

REMARKS

It is noted that the original application contains two claim 19s. To address this informality, Applicant has cancelled the second occurrence of claim 19 and added this claim as new claim 26 (indicated as withdrawn in view of the election with traverse).

In the Restriction Requirement dated September 23, 2005, restriction was required among ten identified species. Applicant elects, with traverse, claims readable on the specie identified as Specie VIII, which was indicated by the Office Action as being described by the specification starting on page 20, ¶ [0045]. The description provided in the text starting on page 20, ¶ [0045], refers to an embodiment that includes Fig. 10, Fig. 5 (see page 20, line 5), Fig. 6 (page 20, lines 7-8), and the input panel 115 of Fig. 1 (page 21, lines 2-3). The claims readable on the elected specie include claims 1, 3-8, 11-13, 15, 17-19, and 22-24.

It is respectfully submitted that at least some of the identified species are not independent species and therefore restriction should not have been required with respect to the species. As stated by the M.P.E.P., “[w]here there is a relationship disclosed between species, such disclosed relation must be discussed and reasons advanced leading to the conclusion that the disclosed relation does not prevent restriction, in order to establish the propriety of restriction.” M.P.E.P. § 808.01(a) (8th ed., Rev. 3), at 800-51.

The Office Action identified Specie III as being described by the specification starting on page 10, at ¶ [0031] (which contains text describing Fig. 3). Note that Fig. 3 is a flow chart of an exemplary operation that involves a component from Fig. 1A (which was identified by the Office Action as belonging to specie I. It is clear that Fig. 3 represents a method that is practiced with hardware that is part of specie I. Therefore, there is a functional relationship between Fig. 3 (and accompanying text) and Figs. 1 and 1A (and accompanying text). It is respectfully submitted that the identification of species I and III as being independent is erroneous, since a relationship has clearly been disclosed between species I and III. Therefore, it is respectfully submitted that restriction between species I and III should not be required.

It is also respectfully submitted that the identification of species V and VI as being independent species is erroneous. The Office Action identified specie V as being described by the specification starting on page 12, at ¶ [0034] (the text associated with Fig. 5), and specie VI as being described by the specification starting on page 13, at ¶ [0035] (the text associated with

Fig. 6). Fig. 5 is a schematic block diagram of a system according to an embodiment. Fig. 6 illustrates the method that employs the system 500 of Fig. 5. Therefore, Figs. 5 and 6 (and accompanying text) do not describe independent species.

Moreover, specie VIII, indicated by the Office Action as being described by the specification starting on page 20, at ¶ [0045], is also related to the embodiments of Figs. 5 and 6. The text in ¶ [0045] of the specification pertains to an assembly that includes the combination of Figs. 5, 6, and 10. Thus, because the specification has clearly defined a relationship between species V, VI, and VIII, it is respectfully requested that restriction between these three species should not be required.

Thus, in view of the foregoing, it is respectfully submitted that restriction should not be required between species I and III (in other words, I and III should be combined), and that restriction should not be required among species V, VI, and VIII (in other words, V, VI, and VIII should be combined).

Moreover, the Office Action has also failed to satisfy the requirement in the M.P.E.P. that the Examiner must establish that “there would be serious burden on the examiner if restriction is not required.” M.P.E.P. § 808.01(a), at 800-51. In view of the fact that the majority of the claims are readable on the elected specie VIII, it is respectfully submitted that no serious burden would exist on the Examiner to search the remaining species together with the elected specie.

In view of the foregoing, withdrawal of the restriction requirement is respectfully requested. In the alternative, it is respectfully requested that at least the number of species be reduced in view of the relationships between the various species identified by Applicant above.

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The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200401797-1).

Respectfully submitted,

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